



# Town of Sudbury

## Historic Districts Commission

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### MINUTES

DECEMBER 12, 2019 AT 7:30 PM

SILVA ROOM, FLYNN BUILDING, 278 OLD SUDBURY ROAD, SUDBURY, MA

**Members Present:** Chair Fred Taylor, William Andreas, Linda Hawes, Frank Riepe, and Lee Swanson

**Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau, and eighteen members of the public including the owners of the property and the submitters of the Warrant.

Mr. Taylor called the meeting to order at 7:32 PM.

#### **Discussion of Making Massachusetts Central Railway Bridges a Historic District**

Mr. Taylor asked the Historic Districts Commission (the Commission) to release the opinion letter from Town Counsel regarding making the entire Massachusetts Central Railway a historic district, making it a public document. Mr. Taylor recommended the release of the opinion letter from Town Counsel regarding this matter.

Mr. Taylor motioned to approve the release of the opinion letter from Town Counsel regarding making the entire Massachusetts Central Railway a historic district. Mr. Riepe seconded the motion. The Commission voted unanimously, 5–0, to approve the motion.

#### **New Business:**

##### **1. Public Hearing – Case 19-31, 288 Old Sudbury Road (Assessor’s Map H09-0062), Applicant Town of Sudbury, Michael Melnick on behalf of the Permanent Building Committee seeks a Certificate of Appropriateness to modify the brick walkways**

Michael Melnick of the Permanent Building Committee was present to discuss the application regarding the modification of the brick walkways at the Loring Parsonage. He discussed how the design and construction process for the Loring Parsonage renovation unfolded. Mr. Melnick noted the front doors of the building could not be used unless they were handicap accessible. He indicated signage needed to be placed on the front doors which said “Not An Entrance” to further

discourage people from attempting to use the front door. Mr. Melnick confirmed the front walkway was not connected to the front steps.

Mr. Riepe asked questions regarding the required size of the proposed signage for the front doors. Mr. Melnick indicated there was no required size.

Mr. Taylor felt the walkway connection added a pleasurable aesthetic element.

Mr. Riepe stated he also would prefer to see it in place.

Mr. Taylor motioned to require the reinstallation of the bricks which lead to the front doors of the Loring Parsonage by May 1, 2020. Ms. Hawes seconded the motion. The Commission voted unanimously, 5-0, to approve the motion.

**2. Public Hearing – Case 19-32, 48 King Philip Road (Assessor’s Map K09-0036), Applicant Marlana Voerster & Alex Simovici seek a Certificate of Appropriateness to increase the elevation of the house to 20’ 2” and to increase the width of the back dormer to a width of 8’ 6”**

Marlana Voerster of 48 King Philip Road was present to discuss the application with the Commission.

Mr. Riepe recused himself from the discussion and left the room.

Ms. Voerster stated the dimensions of the addition listed on the application for the previously approved Certificate of Appropriateness (# 19-28) for the property did not match the dimensions on the plans.

Mr. Andreas noted this was just a clarification of the numbers for the proposal to make the application consistent with the plans.

Mr. Swanson motioned to approve the updates to the dimensions on the application to be consistent with the plans. Mr. Andreas seconded the motion. The Commission voted 3-0-2, with Mr. Andreas, Ms. Hawes, and Mr. Swanson voting in favor, and Mr. Taylor and Mr. Riepe abstaining from the vote, to approve the Certificate of Appropriateness as presented.

At this time Mr. Riepe returned to the room and rejoined the Historic Districts Commission.

**Miscellaneous:**

**Discussion of Special Town Meeting Citizens Petition to Create the Stone Tavern Farm Historic District**

Mr. Taylor asked the Commission if they wanted to make a statement at the January 2, 2020 Special Town Meeting. He noted the Planning Board approvals call for the restoration of the tavern building and preservation of the barn's cupola. Mr. Taylor stated that if a historic district were approved and implemented for this location, it would include all other buildings and structures on the property besides just the tavern building and cupola. Mr. Taylor indicated this would not be an easy discussion for the Historic Districts Commission. He also noted he had spoken with Jerry Effren, an attorney for the development team, back in May of 2019 and as such he was going to recuse himself from the discussion on this topic.

Anne Stone of 554 Boston Post Road asked the Commission to support the proposed new self-storage facility project for property. She indicated she could no longer maintain the property and could not afford to stay there. Ms. Stone stated farming was no longer viable in Sudbury.

Attorney Alex Parra, on behalf of attorney Lou Levine working with the development team, noted the buyer had no obligation to move forward with the proposed project. He stated if a historic district was implemented, there was a fairly good chance the self-storage facility proposal would go away and with it, all current preservation aspects of the project. Mr. Parra encouraged the Historic Districts Commission to affirmatively not support the creation of the historic district for the property. He cited recent legal cases in which stated communities could not use Town Meeting to legislate away projects which people did not prefer.

Quentin Nowland, potential buyer, urged the Historic Districts Commission to vote against the creation of the historic district. He discussed the neighborhood outreach which had been conducted by the development team. Mr. Nowland indicated there would be less traffic with the current proposal than when the dog day care was operating at the property. He noted modifications which had been made to the proposal since the initial filing. Mr. Nowland cited conditions from the Planning Board's Site Plan decision which spoke to preservation of certain elements on the property. He indicated there was currently no plan for the property other than the self-storage facility proposal.

There was then discussion regarding the fate of the barn. Mr. Nowland noted components of the barn would be reused at another property in Sudbury.

Ann McAdam of 925 Boston Post Road stated the Historic Districts Commission had an opportunity to oppose the proposed historic district. She noted the important preservation measures already in place as part of conditions of the Planning Board decisions.

Diana Warren of 32 Old Framingham Road discussed the timeline of the Demolition Delay process and noted the Historical Commission had found both the barn and the tavern building to be historically significant. She highlighted recent events in the Town of Hopkinton where a historic district was created for a single property. Ms. Warren stated the petitioners had no desire to have the Special Town Meeting be held around the holidays. She indicated the neighborhood did not know about the proposal when the Variance application was filed in 2018.

Chris Hagger of 233 Nobscot Road stated the Historical Commission had been looking at historic properties outside of the Town's current historic districts. He stated if this proposal was recommended to be denied by the Historic Districts Commission, it would discourage members of the public in the future from bringing forth new proposed historic districts.

Debbie Dineen of 14 Firecut Lane asked the Historic Districts Commission to not support the proposed historic district. She noted other historic districts brought forth by citizens were brought forth by people within the proposed districts.

Patrick McCarthy of 554 Boston Post Road noted using Community Preservation Act funds towards the property would not solve the problem, as they would only help to rehabilitate the building, however, they cannot maintain the property any longer. He noted they are working to keep the rear 55 acres in its current state. Mr. McCarthy noted the proposed historic district petition could have been brought forth any time since 2018.

Mr. Hagger stated there were not always willing property owners when historic districts were created. Mr. Para pointed out there were no petitioners present at the meeting. He urged the Historic Districts Commission to not support the proposal at the Special Town Meeting.

Chuck Mills of 47 Rolling Lane stated the property was probably one of the last farms of its type in Sudbury. He indicated this was not an easy decision for the Stone family. Mr. Mills stated he felt the way the petition had come about to call the Special Town Meeting was wrong.

Marilyn Frazer of 81 Moore Road agreed with the comments of those urging the Historic Districts Commission to not support the proposal to implement the historic district.

Ms. Warren indicated only agricultural uses could be conducted on the rear 55-acre parcel. While she noted the petitioners were not present at the meeting, she felt it was not appropriate to disparage their intentions. Ms. Warren noted a letter from Deborah Stone had been submitted to the Historical Commission and the Planning Board which indicated her parents would be supportive of the implementation of a historic district on the property.

Mr. McCarthy stated Deborah Stone was his mother and she never conducted any work on the property, and, therefore, her comments should not carry much weight.

Mr. Riepe stated he felt the self-storage facility project, which already had its permits, should be allowed to move forward. He noted how the Historic Districts Commission wanted to work with property owners when historic districts were created and this property owner did not want their property included in a historic district.

Mr. Andreas noted the Historic Districts Commission had never supported a historic district when there had not been overwhelming support from the property owners within the proposed district. He added there was also not a reasonable affordable plan in place to preserve the buildings.

Ms. Hawes stated it was sad to be in this position, but it did not seem possible to preserve the buildings without significant changes.

Mr. Swanson motioned for the Historic Districts Commission to NOT support the Special Town Meeting petition to create the Stone Tavern Farm Historic District. Mr. Riepe seconded and amended the motion for the Historic Districts Commission to make a clear recommendation at the Special Town Meeting, and volunteered to speak at the Special Town Meeting. The Commission voted 4–0–1, with Mr. Andreas, Ms. Hawes, Mr. Riepe, and Mr. Swanson voting in favor, and Mr. Taylor abstaining from the vote, to approve the motion.

### **Discussion of Making Massachusetts Central Railway Bridges a Historic District (continued)**

Rebecca Cutting of 381 Maynard Farm Road and Ray Phillips of 40 Whispering Pine Road were present to discuss the matter with the Historic Districts Commission.

Mr. Phillips felt Town Counsel did not understand their intent to create a historic district over the Massachusetts Central Railway. He thought it would be important for Sudbury to have a say in this land whether Eversource was involved or not. Mr. Phillips agreed creating a historic district over the corridor would not stop the Eversource project.

Ms. Cutting stated the historic resources in the corridor had not been properly surveyed.

Mr. Hagger noted there were no plans to demolish the bridges in the corridor.

Mr. Andreas stated Town Counsel did not comment on whether a historic district could be created for elements which could not be seen from a public way and this was an important question which needed to be answered.

Ms. Cutting stated rail trails were considered public ways.

Mr. Andreas suggested further clarity from Town Counsel was needed.

Ms. Warren stated Eversource was regulated by federal regulations and she was not sure if the Federal Siting Board could supersede the federal regulations.

Mr. Taylor noted a historic district could be created where there were elements which were not visible from the public way.

There was then discussion about a possible joint meeting of the Historic Districts Commission, Historical Commission, and Town Counsel.

Mr. Taylor indicated he would coordinate a joint meeting to gather more information.

**Decision to Review the Proposed Hood and Ventilation Replacement Project at the Westerly Side of the Wayside Inn at a Preliminary Meeting or have a Site Visit**

Mr. Taylor indicated the Wayside Inn would like to have a preliminary meeting or site visit to discuss the project before they submitted an application to the Historic Districts Commission.

It was decided a preliminary meeting would be held with the Historic Districts Commission.

**Approval of Minutes from October 22, 2019**

Mr. Taylor motioned to approve the minutes of October 22, 2019. Mr. Riepe seconded the motion. The Commission voted unanimously, 5–0, to approve the minutes.

**Approval of Minutes from November 7, 2019**

Mr. Taylor motioned to approve the minutes of November 7, 2019. Mr. Riepe seconded the motion. The Commission voted 4–0–1, with Mr. Andreas, Ms. Hawes, Mr. Riepe, and Mr. Swanson in favor, and Mr. Taylor abstaining from the vote, to approve the minutes.

**Review of 2020 Meeting Schedule**

There was discussion regarding the upcoming meeting schedule for the Town Hall renovation project.

Mr. Andreas motioned to approve the 2020 meeting schedule with the amendment to change the January 9, 2020 meeting to December 30, 2019. Mr. Taylor seconded the motion. The Commission voted unanimously, 5-0, to approve the motion.

Mr. Taylor adjourned the meeting at 10:04 PM.